

8/25/04

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,104	12/29/2003	Yuquan Wei	YX-2003-01US

P.Ben Wang, J.D.  
 Suite 110  
 1900 Embarcadero Road  
 Palo Alto, CA 94303



CONFIRMATION NO. 3164

## FORMALITIES LETTER



\*OC000000012404520\*

Date Mailed: 04/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/26/2004 BSAYASI1 00000026 10749104

01 FC:2001	385.00	OP
02 FC:2051	65.00	OP
03 FC:2202	702.00	OP
04 FC:2201	301.00	OP
05 FC:2252	340.00	OP

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 2A.
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 2A-E.
  - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 9.
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny,

and durable (see 37 CFR 1.84(e)). See Figure(s) 6A-C.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$2006** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2906** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$2006**
  - **\$602** for 7 independent claims over 3.
  - **\$1404** for 78 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

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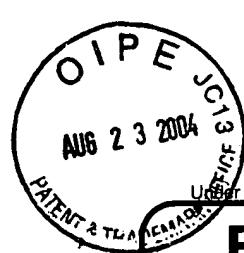
*A copy of this notice **MUST** be returned with the reply.*

N. Mohammed

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** 1663

**Complete if Known**

Application Number	10/749,104
Filing Date	December 29, 2003
First Named Inventor	Yuquan Wei
Examiner Name	TBD
Art Unit	1645
Attorney Docket No.	YX-2003-01US

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number  
Deposit Account Name

## The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385		
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>385</b>		

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims	Fee from below	Fee Paid
Total Claims	98	-20** = 78	x 9	= 702
Independent Claims	10	- 3** = 7	x 43	= 301
Multiple Dependent				

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20		
1201 86	2201 43	Independent claims in excess of 3		
1203 290	2203 145	Multiple dependent claim, if not paid		
1204 86	2204 43	** Reissue independent claims over original patent		
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		
<b>SUBTOTAL (2)</b>		<b>(\$)</b>	<b>1003</b>	

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES****Large Entity** **Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		<b>SUBTOTAL (3)</b> <b>(\$)</b> 275	

(Complete if applicable)

Name (Print/Type)	Ben Wang	Registration No. (Attorney/Agent)	41,420	Telephone	415-225-5236
Signature				Date	08/23/04

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Express Mail Label No. ER 314738960 US. Date of Deposit is August 23, 2004  
I hereby certify that this is being deposited with the United States Postal Service "Express  
Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and  
is addressed to the Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450

PATENT

Attorney Docket No.: YX-2003-01US

By: \_\_\_\_\_  
Ben Wang, \_\_\_\_\_  
date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wei and Tian

Serial No.: 10/749,104

Filed: December 29, 2003

For: ANTI-TUMOR MOLECULAR  
VACINE AND METHOD OF MAKING  
THEREOF

Examiner: Not yet assigned

Art Unit: 1645

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION - FILING DATE  
GRANTED

Palo Alto, California 94303

August 23, 2004

5 Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

10 Sir:

In response to the "Notice to File Missing Parts of Application - Filing Date Granted" mailed by the United States Patent and Trademark Office on April 21, 2004, enclosed are the following to be made of record in the above-identified application:

1. Declaration and Power of Attorney signed by inventors Yuquan Wei, and Ling Tian, in compliance with 37 CFR 1.63.
2. Copy of the "Notice to File Missing Parts of Application - Filing Date Granted."
3. A Response to an "Notice to Comply with Sequence Rules pursuant to 37 CFR 1.821-1.825.
4. A computer readable format for the Sequence Listing in the format of a 3.5-inch floppy disk, readable in PC/MS-DOS operating system.
5. A set of replacement drawings as requested in the Notice to File Missing Parts. Applicants state that no new matter is introduced in the replacement drawings.

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The current set of drawings contains that same subject matter as the set of drawings filed with the original patent application. Some of the replacement drawings are merely formatted differently. For clarity and reproducibility, certain figures are now set on multiple pages instead of one page.

5        6. A Petition For Extension of Time to Respond Under 37 CFR 1.136(a) for two month accompanies this Response.

10        7. A Fee Calculation Transmittal indicating the following fees are paid herein: basic filing fee, extra claims fee, surcharge for oath or declaration, and extension of time fee. The total amount of fees paid is \$1,663.00, to be charged to the credit card account indicated on the enclosed Form PTO-2038.

Applicants believe that no fees are required; however, if any fees are required by the present Response, the Commissioner is authorized to charge any fees or credit any overpayment to the credit card account submitted herein. Alternatively, the Commissioner is requested to contact the undersigned via phone or mail so as to provide applicants an opportunity to remedy any possible insufficiency of fees paid.

Please telephone the undersigned at (415) 225-5236, if there are any questions. This form is being submitted in duplicate.

20 Respectfully submitted,

August 23, 2004

By:

Ben Wang  
Attorney for Applicants  
Reg. No. 41,420

Ben Wang, J.D.  
1900 Embarcadero Road  
Palo Alto, California 94303  
Phone: (415) 225-5236  
Fax: (702)441-3464

Enclosures:

35 1) Copy of this Transmittal (2 pages in duplicate);  
2) Replacement drawings (38 pages)  
2) Request for a Two-Month Extension of time (1 page, in duplicate);

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- 3) Signed Declaration and Power of Attorney forms (3 pages);
- 4) Copy of Notice to File Missing Parts (3 pages);
- 5) Response to Notice to Comply with Sequence Rules pursuant to 37 CFR 1.821-1.825 (2 pages);
- 6) Computer Readable Form Sequence Listing (one 3.5-inch disk, write-protected);
- 7) Credit Card authorization Form PTO-2038 (1 page);
- 8) Fee Transmittal PTO Form SB-17; and
- 9) Return postcard.